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BEFORE THE FEDERAL ELECTION COMMISSION

2013 APR 29 PM 4: 39

In the Matter of)
MUR 6571) CASE CLOSURE UNDER THE
Poliquin for U.S. Senate and) ENFORCEMENT PRIORITY
Timothy L. Thompson as treasurer) SYSTEM
Bruce L. Poliquin)

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue. These criteria include, without limitation, an assessment of the following factors: (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and developments of the law. It is the Commission's policy that pursuing relatively low-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss cases under certain circumstances or, where the record indicates that no violation of the Act or underlying Commission regulations has occurred, to make a no reason to believe finding. The Office of General Counsel has determined that MUR 6571 should not be referred to the Alternative Dispute Resolution Office.

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FEDERAL ELECTION
COMMISSION

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1 The Office of General Counsel has scored MUR 6571 as a low-rated matter.¹ For the
2 reasons set forth below, the Office of General Counsel recommends that the Commission find
3 no reason to believe that Respondents violated the Act in this matter.

4 The Complaint alleges that Bruce L. Poliquin² and Poliquin for U.S. Senate and
5 Timothy L. Thompson in his official capacity as treasurer (the "Committee") violated the Act
6 when the Committee failed to file a Statement of Candidacy and a 2012 April Quarterly
7 Report after Poliquin qualified as a candidate.³ Compl. at 1-2. Specifically, the Complaint
8 contends that the Committee received a contribution from Alamo PAC of \$5,000 on March 6,
9 2012, which triggered Poliquin's candidate status and that the Committee made expenditures,
10 including hiring workers to collect the signatures the candidate needed to qualify for the
11 ballot, host a kick-off party, and create and host a website for the campaign. *Id.*

12 In its Response, the Committee asserts that Poliquin did not become a candidate until
13 after April 1, 2012. Resp. at 1-2. Specifically, the Committee notes that it received less than
14 \$5,000 in contributions and made less than \$5,000 in expenditures prior to April 1, 2012.⁴ *Id.*
15 The Committee states that Poliquin did not receive Alamo PAC's \$5,000 contribution until
16 April 20, 2012, because the contribution had been sent to the wrong address. Resp. at 2.
17 Therefore, the Committee argues that Poliquin had no obligation to file a disclosure report

¹ Complaint Filed: May 7, 2012. Response
Filed: July 2, 2012.

² Bruce L. Poliquin was an unsuccessful primary candidate seeking the Republican nomination to represent Maine in the United States Senate.

³ The Complaint states that a "candidate for Congress must file a FEC Form 2 if '[t]he aggregate of contributions received in 1 and 2 above combined exceeds \$5,000 or the aggregate of expenditures made in 1 and 2 above combined exceeds \$5,000.'" Compl. at 1.

⁴ The Committee notes that Poliquin paid expenses consisting of \$576.60 for an airline ticket and \$533.18 for lodging. Resp. at 2.

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1 referencing the Alamo PAC contribution with the Commission until after April 20, 2012,
2 when its receipts exceeded \$5,000. Resp. at 2-4.

3 Under the Act, an individual must file a Statement of Candidacy, or FEC Form 2,
4 designating his or her principal campaign committee within 15 days after becoming a
5 candidate. 2 U.S.C. § 432(e)(1), 11 C.F.R. § 101.1(a). And an individual becomes a
6 candidate for federal office when he or she receives contributions or makes expenditures in
7 excess of \$5,000. 2 U.S.C. § 431(2); 11 C.F.R. § 100.3. In its 2012 Pre-Primary Report, the
8 Committee reported receiving \$5,000 from Alamo PAC on April 20, 2012. See 2012 Pre-
9 Primary Report at 36 (filed May 31, 2012). However, on April 1, 2012 Poliquin was
10 invoiced for \$414.44 for “e-mail related costs and acquisition of an additional domain name,”
11 which, when aggregated with the Committee’s earlier expenditures, exceeded the filing
12 threshold for total expenditures. Resp. at 3-4. Thus, on that date, Poliquin satisfied the
13 statutory definition of candidate, because he had made in excess of \$5,000 in expenditures.
14 Consequently, Poliquin was required to file a FEC Form 2 within 15 days of April 1, 2012.
15 Since Poliquin had already filed his FEC Form 2 on April 5, 2012, he complied with the
16 registration requirements set forth in the Act and Commission regulations.

17 The Commission’s regulations also require a candidate who files an FEC Form 2 to
18 designate a principal campaign committee and, within 10 days after designation, file an FEC
19 Form 1 (Statement of Organization). 2 U.S.C. § 433(a), 11 C.F.R. § 102.1(a). Here, the
20 Committee filed its Statement of Organization on April 5, 2012, the same day that Poliquin
21 filed his Statement of Candidacy. Compl. at 2. Therefore, the Committee timely filed its
22 Statement of Organization.

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1 An authorized committee for a candidate must file both quarterly and, when necessary,
2 pre-election reports. 11 C.F.R. § 104.5(a)(1)-(2). A Pre-Primary Report must be filed “no
3 later than 12 days before any primary election . . . in which the candidate seeks election.” 11
4 C.F.R. § 104.5(a)(2). The Pre-Primary Report must disclose “all receipts and disbursements
5 as of the 20th day before a primary . . . election.” 11 C.F.R. § 104.5(a)(2)(B). Based on the
6 activity referenced in the Complaint and Response, the first disclosure report required to be
7 filed by the Committee would have been the 2012 Pre-Primary Report. Since the Committee
8 filed its 2012 Pre-Primary Report on May 31, 2012, for the period March 1, 2012 through
9 May 23, 2012, it complied with the Act’s reporting requirements.

10 The Complaint makes several allegations against Poliquin and his Committee based
11 upon inaccurate information. Upon a review of the record, it appears that Poliquin properly
12 registered his candidacy and principal campaign committee and his Committee filed its initial
13 disclosure report. Accordingly, the Office of General Counsel recommends that the
14 Commission find no reason to believe that Bruce L. Poliquin and Poliquin for U.S. Senate and
15 Timothy L. Thompson in his official capacity as treasurer violated the Act with regard to the
16 allegations in this matter. Further, the Office of General Counsel recommends that the
17 Commission approve the attached Factual & Legal Analysis and the appropriate letters, and
18 close the file.

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RECOMMENDATIONS

1. Find no reason to believe that Bruce L. Poliquin and Poliquin for U.S. Senate and Timothy L. Thompson in his official capacity as treasurer violated the Federal Election Campaign Act of 1971, as amended;
2. Approve the attached Factual and Legal Analyses and the appropriate letters; and
3. Close the file.

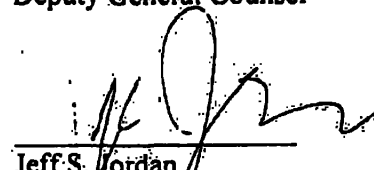
Anthony Herman
General Counsel

Date

4/29/13

BY:


Gregory R. Baker
Deputy General Counsel


Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration


Mary R. Patterson
Legal Extern